

# EXHIBIT C

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 ----- X  
4 UNITED STATES OF AMERICA, : 94 CR 108  
5 -against- : United States Courthouse  
6 JOSEPH SIMONE, : Brooklyn, New York  
7 Defendant. : October 17, 1994  
8 : 9:30 o'clock a.m.  
9 ----- X

10 TRANSCRIPT OF TRIAL  
11 BEFORE THE HONORABLE RAYMOND J. DEARIE  
12 UNITED STATES DISTRICT JUDGE, and a jury

13 APPEARANCES:

14 For the Plaintiff: ZACHARY W. CARTER  
15 United States Attorney  
16 BY: STANLEY OKULA, and  
17 KAREN A. POPP  
18 Assistant United States Attorneys  
19 225 Cadman Plaza East  
20 Brooklyn, New York 11201

21 For the Defendant: JOHN PATTEN, ESQ.

22 Court Reporter: Henry R. Shapiro  
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Proceedings recorded by mechanical stenography, transcript  
produced by CAT.

Cialdella-direct-Popp

1 Q What type of football player was he?

2 A He was good.

3 Q Did there come a time when you wanted to recruit him to  
4 your football team?

5 A Yes.

6 Q What period of time was this?

7 A The end of '91, beginning of '92 season.

8 Q And did there come a time that you were trying to locate  
9 Alfred Imbriale?

10 A Yes.

11 Q And you are trying to locate him so that you could  
12 recruit him to the football league?

13 A Yes.

14 Q Correct?

15 A Yes.

16 Q Did there come a time that you had a conversation with  
17 Joseph Simone regarding Alfred Imbriale's whereabouts?

18 A After a period of time.

19 Q Okay.

20 Is it fair to say this conversation took place before  
21 you joined the Tottenville High School football staff?

22 A Yeah.

23 Q And you testified a few minutes ago that you joined the  
24 Tottenville High School football staff in June of '92,

25 correct?

Cialdella-direct-Popp

1 A Yes.

2 Q Fair to say the time between the end of '91 and mid-'92,  
3 you had this conversation with Joseph Simone about the  
4 whereabouts of Alfred Imbriale?

5 A Yes.

6 Q Tell the jury what Joe Simone told you about where Alfred  
7 Imbriale was.

8 A I was trying to find him, and I overheard from somebody  
9 that, you know, he wasn't around anymore. And I just asked  
10 Joe if he knew where he was. I mean, I asked him if it was  
11 true. I says, you heard that he took off, and he's supposedly  
12 in the Witness Protection Program, or he was away somewhere.

13 And I asked, is it true, I won't go looking for him.

14 And he said, yeah.

15 Q What did he tell you was true?

16 A That he's, you know, he's not around anymore.

17 Q And where was he?

18 A In the Witness Protection Program.

19 Q Did Joe Simone tell you where he was in the Witness  
20 Protection Program?

21 A I don't know exactly if he said it, I know, it was -- he  
22 was in Pennsylvania.

23 Q Did you ask Joseph Simone if Alfred Imbriale was with his  
24 family in the Witness Protection Program in Pennsylvania?

25 A I just asked, I guess Alfred is with him in Pennsylvania,

Cialdella-direct-Popp

1 I guess.

2 Q And what did Joe Simone say, he said yes?

3 A I guess he said, if the parents were there, and the kid  
4 was not around, because the kid came home and said he was  
5 going to Pennsylvania, because he was home for a week, and  
6 then he went back to Pennsylvania. And that was it. I never  
7 seen him before.

8 Q I'm asking you about the conversation between Mr. Simone  
9 and yourself about where Alfred Imbriale was.

10 A In Pennsylvania.

11 Q And Officer Simone told you that the Imbriale family was  
12 in Pennsylvania, is that correct?

13 A I asked him, yes.

14 Q And he said -- he said, yes, that they were in  
15 Pennsylvania?

16 A Yes.

17 Q Did he tell you anything about the reason why Mr.  
18 Imbriale was in the Witness Protection Program?

19 A Just that a friend of his or somebody was, you know, did  
20 something wrong to him, something like that. That's what  
21 everybody said, so.

22 Q Well, did Mr. Simone use the word "rat" to describe  
23 Mr. Imbriale?

24 A No.

25 Q Did he tell you that Mr. Imbriale was cooperating with

Cialdella-direct-Popp

1 the government?

2 A I don't know in those terms, you know.

3 Q What terms did he use?

4 A He was in the Witness Protection Program, I guess you do  
5 that.

6 Q Did he say where he went into the Witness Protection  
7 Program?

8 A Because one of his friends did something to him,  
9 threatened him, or something to that effect.

10 Q Did he tell you who the friend was?

11 A I knew who the person was, you know, so I can't remember  
12 if Joe told me. I knew who the person was.

13 Q Mr. Cialdella, when we took the last break, did you go  
14 out in the hallway and have a cigarette?

15 A Yeah.

16 Q Did you have a cigarette with Mr. Simone?

17 A No, I just had a cigarette by himself.

18 Q Were you standing next to Mr. Simone having a cigarette?

19 A Yeah.

20 Q You're friends with Mr. Simone, are you?

21 A Yeah.

22 Q Do you recall in the Grand Jury being asked the following  
23 question and giving the following answer:

24 "QUESTION: What did he tell you referring to  
25 Simone?

Cialdella-direct-Popp

1 "ANSWER: What --"

2 MR. PATTEN: Page, please?

3 MS. POPP: Page 29.

4 MR. PATTEN: I object to the procedure, how the  
5 question is being asked.

6 THE COURT: Overruled, under the circumstances.

7 Q "ANSWER: What did he tell me?

8 "QUESTION: Yes.

9 "ANSWER: That, in other words, the people that he  
10 was supposedly wanted to pay something or whatever, and he  
11 didn't think it was right, and he felt that he got screwed by  
12 this guy, so supposedly he ratted them all out."

13 Do you remember giving that answer?

14 A I believe I did.

15 Q When Mr. Simone was describing to you why Mr. Imbriale  
16 was in the Witness Protection Program, do you recall Mr.  
17 Simone using the word "rat"?

18 A He could have.

19 Q Well, the testimony that you gave in the testimony that  
20 was the truth or not?

21 A Yes, it was.

22 Q Are you familiar with the name Carmine Sessa?

23 A Yes, heard of him.

24 Q Have you ever heard Joseph Simone talk about Carmine  
25 Sessa?

Cialdella-direct-Popp

1 A Sometimes.

2 MR. PATTEN: Judge, may we ask the witness not to  
3 have his hand in front of his face?

4 THE COURT: Thank you, Mr. Patten.

5 A Sometimes.

6 Q Did Mr. Simone give you any information about Carmine  
7 Sessa's relationship to Carmine Imbriale?

8 A They were friends.

9 Q Did there come a time that you learned from Mr. Simone  
10 that Carmine Sessa was cooperating with the government?

11 A He told me about it.

12 Q He did tell you about it?

13 A Yes.

14 Q Did you tell your uncle?

15 A Probably did.

16 Q And after Mr. Simone told you that Carmine Sessa was  
17 cooperating with the government, did you then read about it in  
18 the newspaper?

19 A Yeah.

20 Q Now, did Mr. Simone ever tell you anything about John  
21 Pate?

22 A That he was a rat, you know, I mean -- that he was  
23 like -- like two sides of the fence, something to that  
24 effect.

25 Q Is it fair to say that you had at least two conversations



Cialdella-direct-Popp

1 with Mr. Simone about John Pate?

2 A I recall one, I don't recall the second.

3 Q Do you recall a conversation with Mr. Simone about John  
4 Pate, his cooperation after you had learned that it had been  
5 publicly announced that he was cooperating?

6 MR. PATTEN: Objection to the leading.

7 THE COURT: Overruled.

8 A No. You are talking about John Pate?

9 Q Yes.

10 A I don't believe so.

11 Q Did Mr. Simone ever tell you before you learned -- before  
12 you read about it in the newspaper that John Pate was on the  
13 fence about cooperation?

14 A I heard about being on the fence, but I didn't read  
15 about, you know, anything about John Pate in the paper.

16 Q Okay.

17 Do you recall learning that Joe Scopo was killed?

18 A Yes.

19 Q Did you ever have a conversation with Mr. Simone about  
20 who killed Joe Scopo?

21 A No.

22 Q Did you ever tell Mr. Simone that your uncle was being  
23 hush hush about who killed Joe Scopo?

24 A No.

25 Q Did Mr. Simone ever ask you to get information from your

Cialdella-direct-Popp

1 uncle and to give it to Mr. Simone?

2 A Repeat that, please.

3 Q Did Mr. Simone ever ask you to find out information from  
4 your uncle and to give that information to Mr. Simone?

5 A No.

6 Q Is it fair to say it was always Mr. Simone giving you  
7 information to give to your uncle?

8 A I would ask him.

9 Q And is it fair to say that he would give you information  
10 to give to your uncle?

11 A Sometimes.

12 Q How about the other times?

13 A He would either talk to my uncle, because he didn't talk  
14 to me.

15 Q Okay.

16 Mr. Cialdella, are you still seeing Mr. Simone on a  
17 regular basis?

18 A Yes -- not really regular. I see him.

19 Q You see him four or five times a week?

20 A Not in the last month or so.

21 Q Well, has there been a time in the last two or three  
22 weeks that he said something to you about testifying in court  
23 during this trial?

24 A He -- I told him I had to go to court to testify.

25 Q Okay. I'm having trouble hearing you.